

REMARKS

In the August 4, 2008 Office Action, claims 1-9 stand rejected in view of prior art, while claims 4-7 were objected to as being in improper form. In the January 27, 2009 Non-Compliant Amendment, the Amendment to the August 4, 2008 Office Action was considered to be non-compliant. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 4, 2008 Office Action, Applicant have amended claims 1-8 and added new claim 10, as indicated above. Thus, claims 1-10 are pending, with claims 1 and 8-10 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Claim Objections

In item 1 of the Office Action, claims 4-7 were objected to as being in improper form. Applicant respectfully traverses the objections.

Specifically, claims 4-7 of the application has been amended in order to eliminate improper multiple dependency in a *preliminary amendment* submitted on March 13, 2006.

Applicant believes that claims 4-7 are correct. Withdrawal of the objections is respectfully requested.

Rejections - 35 U.S.C. § 103

In items 2 and 3 of the Office Action, claims 1-3 and 8-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. 10-211359 ((Hiroshi) Matsuzaki), and claims 4-7 stand rejected under 35 U.S.C. §103(a) because the claim limitations are similar to claim 1. In response, Applicant has amended independent claims 1, 8, and 9 as mentioned above.

More specifically, Applicant has amended claim 1 to recite the running commentary interrupting function for interrupting the process of the first running commentary function when specific events have occurred while the video game is in progress, the second running commentary function for performing the play-by-play or the commentary relating to the specific events when the process of the running commentary interrupting function has been executed, the running commentary returning function for causing a return from the process of the second running commentary function to the process of the first running commentary function, and the running commentary continuing function for continuing the play-by-play or the commentary or the process of the first running commentary function which was interrupted by the running commentary interrupting function, when the process of the running commentary returning function has been executed.

Matsuzaki was cited in the Office Action to show a terminology storing function, a first running commentary function, a second running commentary function, and a running commentary continuing function.

However, Applicant respectfully asserts that Matsuzaki is different because Matsuzaki does not disclose the running commentary interrupting function of the application. Matsuzaki discloses selecting a box in which text data are stored, on certain conditions, but does not disclose interrupting commentary when specific events occur. The Office Action states on page three that it would have been obvious for one ordinary skilled in the art to include an interruption commentary; however, the claimed limitation is not just interruption commentary. Namely, Matsuzaki is silent with regards to *returning* to an interrupted point of the commentary. Applicant respectfully asserts that a mere fact that Matsuzaki discloses the condition change, which can be considered as the commentary interruption, does not make

the present invention obvious in that Matsuzaki did not realize the problems which Applicant found and the solutions thereof.

Applicant respectfully asserts that this arrangement is *not* disclosed or suggested by Matsuzaki or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of the video game program. Therefore, Applicant respectfully asserts that claim 1 allowable.

As claims 8 and 9 similarly recite, Applicant respectfully asserts that claims 8 and 9 are also allowable for the same or similar reasons stated above.

With regards to claim 4, Applicant respectfully asserts that claim 4 further limits the scope because claim 4 recites that the running commentary interrupting function distinguishes the details of the specific events, a recitation that claim 1 does not include. With regards to claim 5, Applicant respectfully asserts that claim 5 further limits the scope because claim 5 recites the second terminology selecting function, the second selected terminology storing function, the second audio output function, and the second transmission function. With regards to claim 6, Applicant respectfully asserts that claim 6 further limits the scope because claim 6 recites with regards to the phrase group, which claim 1 does not include. With regards to claim 7, Applicant respectfully asserts that claim 7 further limits the scope because claim 7 recites with regards to the attributes, which claim 1 does not include.

Applicant believes that dependent claims 2-7 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, claims 2-7 are further allowable because they include additional

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limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that the rejections be withdrawn in view of the above comments and amendments.

New Claims

Applicant has added new claim 10 by the current Amendment. As claim 10 similarly recite as claim 1, Applicant respectfully asserts that claim 10 is allowable. Examination of claim 10 is respectfully requested.

Response to Notice of Non-Compliant Amendment

Applicant respectfully traverse the non-compliant amendment, since Preliminary Amendment was filed on March 13, 2006, which eliminated the multiple dependency with strikethroughs thereon. In addition, Applicant properly responded on October 4, 2008 to the objections in Office Action dated on August 4, 2008. Therefore, Applicant respectfully asserts that the response was compliant.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-10 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,
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